

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

In re:

Civ. No. 13-1097 KG/LAM

TRES HERMANOS DAIRY, LLC,

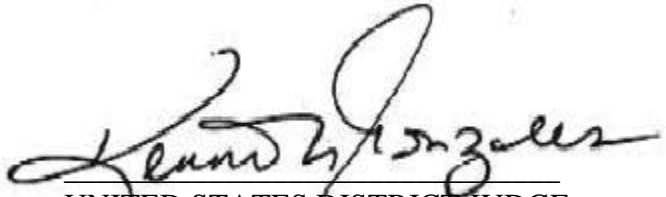
Bankr. No. 10-14240-t11

Debtor.

ORDER

This matter comes before the Court upon Debtor's Motion to Strike with Legal Citations as to the "Notice" Filed by the Bank of America (Motion to Strike). (Doc. 13). Debtor moves to strike Creditor Bank of America, N.A.'s Notice Clarifying Status of Briefing on Debtor's Motion for Stay [Doc.3] (Notice). *See* (Doc. 9). In the alternative, Debtor moves to treat the Notice as a Motion to Excuse the Filing of a Response. Bank of America, N.A. filed the Notice in response to Debtor's Motion for Stay of Proceedings While for [sic] Motion for Withdrawal of Reference/Abstention is Pending Decision (Motion for Stay). (Doc. 3). The Court, however, ruled on the Motion to Stay the day before Debtor filed the Motion to Strike. (Doc. 12). Consequently, the Motion to Strike is moot and the will be denied for that reason.

IT IS ORDERED that Debtor's Motion to Strike with Legal Citations as to the "Notice" Filed by the Bank of America (Doc. 13) is denied.



UNITED STATES DISTRICT JUDGE